SUPPLEMENT TO THE BUILDER.

SATURDAY, NOVEMBER 9TH, 1844.

A CYCLOPÆDIA

OF

THE NEW METROPOLITAN BUILDING-ACT,

IN WHICH ALL THE DETAILS OF THE STATUTE ARE ARRANGED ALPHABETICALLY,

SO AS TO BE INSTANTLY FOUND,

AND ACCOMPANIED BY EXTENSIVE REFERENCES AND COUNTER-REFERENCES TO THE SECTIONS OF THE ACT ITSELF, AND ITS MINUTE PROVISIONS.

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A.

ABUTMENTS. See *Public way, buildings over*; also *Chimneys hereafter built*.

ACCOUNT in writing for party-structures, within 21 days after the completion of the work it is the duty of the person by whom the expense has been incurred to deliver, to the adjoining owner of the building or premises in respect of which such expense shall have been incurred, to include all preliminary and incidental operations; and *if the work shall have been executed by authority of the official referees*, a copy of such account is to be delivered to them at their office, subject to appeal within 10 days to the official referees; and if, within 10 days after the delivery of such account to the party liable to pay the same, such party do not either appeal against such account or pay the same, or if, within 10 days after the demand thereof, in conformity with the certificate of the official referees, the amount thereof, together with the costs of the examination of the account as the official referees shall certify, be not paid, then it shall be lawful for the person entitled thereto to recover the same, or so much thereof as shall be then due, by the summary proceeding provided in this Act. s. 47. See also *Expenses of works*.

ACT (This new Building-) to come into operation as to the districts and the officers to be appointed in pursuance hereof, on the 1st September, 1844,—and as to buildings, streets, and other matters, on the 1st January, 1845; and on the said 1st January all the Acts mentioned in the schedule A, annexed to the Act, except so far as in the said schedule is otherwise provided, are repealed. s. 1.

Act rules of, may be modified by the Commissioners of Works and Buildings after being reported upon by the official referees, either at their own suggestion, or that of any interested party. s. 11.

Acts repealed. s. 1, and schedule A.

ACTIONS for Damages. See *Informalities in Distress*.

Actions for penalties, limitation of. Proceedings for penalty or forfeiture incurred under this Act must be brought or commenced within six calendar months next after being incurred. s. 106.

Actions against person acting under this Act—Regulation of. After the expiration of 6 calendar months next after the fact committed it shall not be lawful to bring any action or suit against any person in respect of any act or thing done or intended to be done in pursuance of this Act; and if, 21 days at the least before the commencement of the action or suit, notice in writing of an intention to bring such action or suit, and of the grounds of action, be not given to *every* person against whom such action or suit shall be brought, it shall not be lawful for any person to bring any such action or suit against any person in respect of any such act;—and if the cause or matter of any such action or suit arise within the said city of London or the liberties thereof, such action or suit must be laid in the city of London, and not elsewhere; and if the cause of any action or suit arise in any part of the limits aforesaid out of the said city of London and liberties thereof, then it must be laid and tried in the county of Middlesex, and not elsewhere;—and in every such action or suit the defendant may plead the general issue, and at the trial to be had thereof to give this Act and the special matter in evidence, and to prove that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act;—and if upon the trial of such action it appear that the said matter or thing has been done by the authority or in pursuance of this Act, or if it appear that such action or suit was brought before the expiration of 21 days after such notice given as aforesaid, or if it appear that sufficient satisfaction was made or tendered before such action was brought, or if upon plea of payment of money into court it shall appear that the plaintiff has not sustained damages to a greater amount than the sum paid into court, or if any such action or suit be not commenced within the time herein for that purpose limited, or if it be laid in any other county or place than as aforesaid, then and in every such case it shall be the duty of the jury to find for the defendant; and if a verdict be found for the defendant, or if the plaintiff in any such action or suit become nonsuited, or discontinue or suffer a discontinuance of any such action or suit, or if judgment be given for the defendant therein, on demurrer, or by default or otherwise, then the defendant shall be entitled to have judgment to recover full costs of suit, and to such remedy for recovering the same as any defendant shall have by law. s. 108.

Security for costs of such action. If the defendant apply to the superior court at Westminster in which any action in respect of any matter or thing done or intended to be done in pursuance of this Act, is pending, or to any judge of any of the said courts, it shall be lawful for such court or any such judge to require the plaintiff to give such security as such court or judge shall think fit for the payment of all costs, charges, and expenses incurred or to be incurred in and about the said action, and which shall be or become payable by him on the taxation thereof by the proper officer. s. 109.

ADDITION to any building. Two days' notice to be given to the district surveyor before the commencement of. s. 13. See *Penalty*.

ADJOINING owner. s. 20.

Adjoining owner liable to pay expense of party fence-walls, if used. s. 32.

Adjoining owner to pay for party-walls raised by another party, if used. s. 31.

Adjoining and neighbouring property not to be injured by raising of party fence-walls. s. 32.

Adjoining properties—Execution of Party-structures on, viz.—

Reparation of the party-walls by which premises are parted:

Pulling down and rebuilding of party-walls:

Raising of party-walls:

Reparation of party fence-walls:

Rebuilding of party fence-walls:

Raising of party fence-walls:

Pulling down of timber partitions which part buildings the property of different owners or occupied by different persons, and building in lieu thereof proper party-walls:

Pulling down of buildings built over public ways, or having rooms or stories the property of different persons, or occupied by different persons, lying intermixed, for the purpose of building proper party-walls or party-arches:

And generally the performance of other necessary works incident to the connection of such party-walls or party fence-walls with the premises adjoining:

If the adjoining owner shall have consented thereto, or if, without such consent, the required notice of such work shall have been given by or on the part of the building owner to such adjoining owner, then, subject to such modification as shall be made by virtue of the provision in that behalf, and subject to the provision for supplying the want of consent of the owners, and subject moreover to the respective conditions hereby prescribed with regard to such works respectively, as well as to the payment of the cost of such works, and to the sanction or to the award of the surveyors or of the official referees, as hereby prescribed in reference thereto, it shall be lawful for every such building owner and he is hereby authorized or required to execute such works. s. 20.

AGENT for any owner of houses within the limits of the Act disqualified from being official referee or registrar. s. 95.

AGREEMENTS and Leases (Building), existing modification of. See *Building-leases, &c.*

AIR, free circulation of. s. 32. See *Party fence-walls*.

ALDERMEN. See *Lord Mayor*.

ALLEY (the word) to include any court, alley, passage, or other public place which can be used as a footway only. s. 2. See *Widths*.

Alleys and streets made or laid out before 1st January, 1845. See *Already built* (the term).

Alleys must each have two entrances of the full width of the alley, and one of the two at the least open from the ground upwards. Schedule 1.

ALREADY built (the term) used in reference to buildings, to apply to buildings built before the 1st January 1845, or commenced before that day, and covered in and rendered fit for use within 12 calendar months thereafter; and, used in reference to streets and alleys, to apply to all streets or alleys made or laid out before that day, and which shall be formed and rendered fit for use within 12 calendar months thereafter. s. 2.

ALTERATION of any building. Two days' notice to be given to the district surveyor before the commencement of. s. 13. See *Penalty*.

ALTITUDE, buildings of the 2nd or warehouse class are rated by only; the other classes by area and number of stories, as well as by altitude. Schedule C.

AMENDS, tender of. See *Informalities in Distress*.

ANGLES of Flues. See *Flues, angles of*.

ANGLE-CHIMNEYS. See *Chimneys hereafter built*.

APERTURES, how affecting the thicknesses of external walls. See *Inclosing-walls*.

APPEAL to the official referees, any person may, within 10 days from the delivering of an account for party-structure. s. 47.

Appeal of lord mayor and aldermen, or of overseers, against district-surveyor's certificate in case of ruinous buildings. See *Ruinous buildings*.

Appeal from convictions as to penalties—Proceedings thereon. If any party be dissatisfied with the decision of the justices in any case in which such penalty may be proceeded for by conviction for any offence in respect of which a penalty is by this Act imposed, and if within 4 days after such decision notice be given by or on behalf of such party to the party appealed against of his intention to appeal against such decision, and of the grounds of such appeal, and if the appellant enter into a recognizance, with two sufficient sureties, conditioned to prosecute such appeal, and to abide the order of the Court, and to pay to the party appealed against such costs (if any) as shall be awarded against him, it shall be lawful for such party so dissatisfied to appeal against such conviction to the justices of the peace at their general Quarter Sessions of the peace to be holden within 4 calendar months after such conviction; and if within such period of 4 days such appellant have entered into such recognizance as is herein required, then it shall be lawful for such justices and they are hereby empowered to proceed to hear and examine on oath into the cause and matters of such appeal, and to determine the same, and to award such costs to be paid by either of the said parties as they think proper; and the order, judgment, and determination of the said justices shall be binding and conclusive. s. 105.

APPLICATION to official referees to modify, in certain cases, the thicknesses of external walls. See *Inclosing-walls*.

ARCHES separating buildings from public ways. See *Public way, buildings over*.

ARCHITECT. If an official referee act as, to any building within the limits of the Act, some other competent person must be appointed by the Com-

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